

In re application of: JASON S. ALTMAN
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19. (Amended) The non-transparent protective covering of claim 18 wherein said first flange extension is monolithically formed with said pad and said second flange extension is monolithically formed with said pad; wherein said pad having a top edge that is profiled to follow an average hairline.

20. (Amended) The non-transparent protective covering of claim 18 wherein a portion of said first flange extension having a second adhesive member disposed thereon and a portion of said second flange extension having a third adhesive member disposed thereon.

REMARKS

This Amendment is responsive to the Office Action dated February 21, 2003. In that Action, the Examiner rejected claims 11-20 under 35 U.S.C. §102(b) as being anticipated by Craig. Claims 1-10 were allowed. Applicant respectfully traverses the Examiner's rejections and objections and offers the foregoing amendments and remarks in support thereof.

Claims 11-13 and 17-20 have been amended. No new matter has been inserted. In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the claims 1-20 remain pending in the application.

As to the Section 102(b) rejection in view of Craig, Craig is an eye shield and fails to teach of attaching the shield to a substantial portion of the upper part of the user's forehead including the area adjacent to where the user's forehead meets the user's hairline. Support for this feature is found in the drawing figures and at Col 2., lines 44-46. Applicant also respectfully disagrees with the Examiner's comments that Craig can be attached to the area adjacent to where the user's forehead meets the user's hairline. Craig is concerned with protecting a

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patient's eyes during surgery, while still being able to see the eyes during the surgical procedure for monitoring purposes. Craig is not limited to any type(s) of surgery. Thus, the Craig device may be used in surgery involving the head area, including the upper forehead area. As such, Craig extends beyond the patient's eyes only as much is necessary for securely the shield over the patient's eyes, which does not include the upper part of the user's forehead, including the area adjacent to where the forehead meets the user's hairline.

Craig also fails to teach of an aperture free pad (Claims 13 and 18). By "aperture", Applicant is referring to significant in size and ordinary viewable apertures or opening (i.e. like the Craig openings). Applicant is not referring to any miniscule or microscopic pores or openings that may be inherent in the material used for the pad.

Craig requires two apertures/openings 18 and 19 for securement and receipt of transparent covers 20. In the event, the Examiner interprets Craig's sponge-like pad to include the transparent covers 20, then such pad is no longer substantially planar, as the covers are convex in shape.

Claim 18 now claims a non-transparent protective covering having an opaque pad. This feature is not shown in Craig given the transparent covers 20.

Additionally, claims 17 and 19 now claim that the pad has a top edge that is profiled to follow an average hairline. This feature is also not shown in Craig.

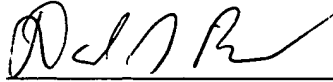
Accordingly, Applicant respectfully requests that the Examiner's Section 102(b) rejection based on the Craig reference be withdrawn.

Applicant has completely responded to the Office Action dated February 21, 2003. Favorable action is respectfully requested.

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If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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